



CITY of NOVI CITY COUNCIL

**Agenda Item M
August 14, 2017**

SUBJECT:

Acceptance of a pathway easement and a utility easement for 50500 Eight Mile Road as part of the proposed pathway project (Parcel 50-22-31-300-003).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division GDM

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Eight Mile Road pathway project consists of the construction of an 8-foot wide pathway along the north side of Eight Mile Road between Beck Road and the crosswalk located west of the Garfield Road and Eight Mile Road intersection. Once completed, this pathway will complete the connection between sidewalk along Eight Mile Road in the City of Northville and the south side of Eight Mile Road near the entrance to Maybury State Park. The pathway easement and utility easement on 50500 Eight Mile Road are required for moving seven DTE Energy utility poles and making room for the proposed pathway.

Spalding DeDecker, the City's engineering consultant, is assisting with the design, construction engineering services and the easement acquisitions for this project. This project is expected to be completed in the late fall 2017.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela's July 27, 2017) and is recommended for approval.

RECOMMENDED ACTION:

Acceptance of a pathway easement and a utility easement for 50500 Eight Mile Road as part of the proposed pathway project (Parcel 50-22-31-300-003).

Eight Mile Road Pathway Project Napier Rd to Garfield Rd

Location Map



Map Author: J. Mathias
Date: 06/26/2017

Project:
Version #:

Amended By:
Date:

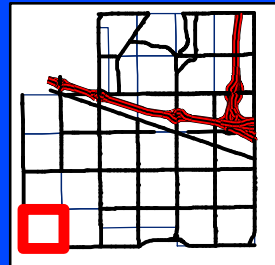
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi.
Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Legend

Proposed Concrete Pathway



City of Novi

Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

0 150 300 600 900
Feet

1 inch = 722 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.jrsjlaw.com

July 27, 2017

George D. Melistas, Engineering Senior Manager
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: *8 Mile Road Pathway Project (Napier to Garfield)*
*50500 8 Mile Easements***

Dear Mr. Melistas:

We have received and reviewed, and enclosed please find the following original easements for 8 Mile Road Pathway Project as acquired pursuant to donation by the property owner with the assistance of First ROW:

- Pathway Easement
- Utility Easement
- Temporary Grading Easement

The Utility Easement was acquired for the relocation of DTE Energy's poles from their current location in the right-of-way. The easements appear to be properly executed and consistent with the title search obtained for the subject property.

The enclosed easements should be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Pathway Easement and Utility Easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner.

Please feel free to contact me with any questions or concerns in regard to this matter.

George Melistas, Engineering Senior Manager

July 27, 2017

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Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla-Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Aaron Staup, Construction Engineer (w/Enclosures)
Joey Mathias, Graduate Engineer (w/Enclosures)
Taylor Reynolds, Spalding DeDecker (w/Enclosures)
Margaret Stekettee, First ROW (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Servetus Opportunities, LLC, a Nebraska Limited Liability Company, whose address is 2425 S. 144th Street, Omaha NE 68144, for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public non-motorized pathway over across and through property located in Section 31, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-31-300-003

{See attached and incorporated Exhibit B}

The permanent easement for the public walkway is more particularly described as follows:

{See attached and incorporated Exhibit B}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized pathway in the easement area as shown in the attached and incorporated Exhibit B.

Construction activities required for the construction of a non-motorized pathway, consisting of an 8-foot wide concrete pathway.

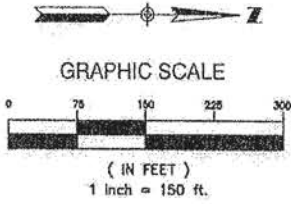
Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the pathway in the easement areas shown on the attached and incorporated Exhibit B.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

STP

EXHIBIT B



SOUTHWEST CORNER
SEC 31, T.1N., R.8E.
CITY OF NOVI

PERMANENT PATHWAY EASEMENT	
①	12 FEET
②	25 FEET
③	12 FEET
④	470 FEET

#51000 8 MILE ROAD
PARCEL TAX ID
22-31-300-002

PATHWAY EASEMENT
AREA - 300 SF

CITY OF NOVI
CITY OF NORTHVILLE

EX. 33' STATUTORY R.O.W. LINE
S 89°58'41" W 1,344.55'

#50500 8 MILE ROAD
PARCEL TAX ID
22-31-300-003

8 MILE ROAD (WIDTH VARIES)

PATHWAY EASEMENT
AREA - 5,640 SF

SOUTH 1/4 CORNER
SEC 31, T.1N., R.8E.
CITY OF NOVI

SOUTH LINE SECTION 31
& CL 8 MILE ROAD

N-S 1/4 LINE

N 89°44'07" W
116.25'

#50250 8 MILE ROAD
PARCEL TAX ID
22-31-400-001

Plotted: Jul 5, 2017, 9:57 AM by user: 917 - Saved: 6/30/2017 by user: 917
 J:\V\Design\NV16003-8 Mile Rd Pathway, Garfield to Napier\DWG\NV16003EAS.dwg

SPALDING DeDECKER
 Engineers | Surveyors
 905 South Blvd. East Phone: (248) 844-5400
 Rochester Hills, MI 48307 Fax: (248) 844-5404
 www.sda-eng.com

DRAWN: B. ALLEN	DATE: 07-05-17
CHECKED: T. LINDOW	DATE: 07-05-17
MANAGER: D. RICHMOND	SCALE: 1"=150'
JOB No. NV16-003	SHEET: 1 OF 2
SECTION 31 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

27D

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EXHIBIT B

PATHWAY EASEMENT LEGAL DESCRIPTION

AN EASEMENT FOR PERMANENT PATHWAY DESCRIBED AS:

THE WESTERLY 25 FEET OF THE NORTHERLY 12 FEET OF THE SOUTHERLY 45 FEET, AND ALSO INCLUDING THE EASTERLY 470 FEET OF THE NORTHERLY 12 FEET OF THE SOUTHERLY 45 FEET, OF THE PARCEL DESCRIBED IN SEAVER TITLE AGENCY FILE No. 63-17537552-SSP, DATED JUNE 6, 2017 DESCRIBED AS: THE EAST 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 AND ALSO THE WEST 7 ACRES OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31, NORTH 89 DEGREES 58 MINUTES 41 SECONDS EAST, 1,348.55 FEET ALONG THE SOUTH SECTION LINE TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 46 SECONDS EAST, 2613.48 FEET TO THE EAST AND WEST 1/4 LINE; THENCE ALONG SAID LINE NORTH 89 DEGREES 35 MINUTES 04 SECONDS EAST, 1,332.09 FEET TO THE CENTER OF SAID SECTION; THENCE NORTH 89 DEGREES 26 MINUTES 04 SECONDS EAST, 116.25 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 54 SECONDS EAST, 2,624.31 FEET TO THE SOUTH LINE OF SAID SECTION 31; THENCE NORTH 89 DEGREES 44 MINUTES 07 SECONDS WEST, 116.25 FEET TO THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 58 MINUTES 41 SECONDS WEST, 1,344.55 FEET TO THE POINT OF BEGINNING, ALSO KNOWN AS 50500 8 MILE ROAD, TAX ID No. 22-31-300-003

DESCRIBED ON THE TAX ROLLS AS:

THE EAST 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 AND ALSO THE WEST 7 ACRES OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

Plotted: Jul 5, 2017, 10:1 AM by user: 917 - Saved: 6/30/2017 by user: 917
J:\NV\Design\NV16003-B_Mile Rd Pathway Garfield to Nepal\DWG\NV16003EAS.dwg



SPALDING DEDECKER
Engineers | Surveyors

905 South Blvd, East Phone: (248) 844-5400
Rochester Hills, MI 48307 Fax: (248) 844-5404
www.sda-eng.com

DRAWN: B. ALLEN	DATE: 07-05-17
CHECKED: T. LINDOW	DATE: 07-05-17
MANAGER: D. RICHMOND	SCALE: NO SCALE
JOB No. NV16-003	SHEET: 2 OF 2
SECTION 31 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

2/2

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Servetus Opportunities, LLC, a Nebraska Limited Liability Company, whose address is 2425 S. 144th Street, Omaha NE 68144, ("Grantor"), being title holder to the following described parcel of land, to-wit:

[See attached and incorporated Exhibit B]

There is no Exhibit A to this Agreement.

for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a nonexclusive perpetual easement for public utilities, over, upon, across, in, through, and under the following described real property, to-wit:

[See attached and incorporated Exhibit B]

and to enter upon sufficient land adjacent to said public utilities easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the public utilities lines, and all necessary appurtenances thereto, within the easement herein granted.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the public utilities in the easement areas shown on the attached and incorporated Exhibit B.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This Easement is exempt from transfer taxes under MCLA 207.505(a) and MCLA 207.526(a).

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IN WITNESS WHEREOF, the undersigned Grantor has affixed their signature this 7th day of July, 2017.

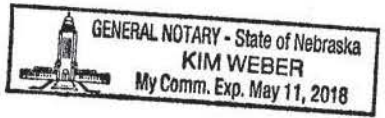
GRANTOR:
Servetus Opportunities, LLC, a Nebraska Limited Liability Company

By: David A. Dominica
DAVID A. DOMINICA

Its: Manager

STATE OF Nebraska)
) ss.
COUNTY OF Douglas)

On this 7th day of July, 2017, before me, personally appeared David A. Dominica the Manager of Servetus Opportunities, LLC, a Nebraska Limited Liability Company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

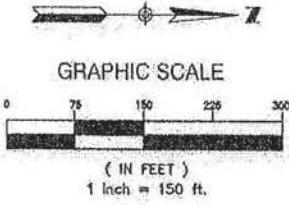


Kim Weber
Notary Public Douglas County, State of Nebraska
Acting in Douglas County, State of Nebraska
My commission expires _____

THIS INSTRUMENT DRAFTED BY:
Elizabeth K. Saarela, Esquire
JOHNSON ROSATI SCHULTZ & JOPPICH, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331

AND WHEN RECORDED RETURN TO:
Cortney Hanson, Clerk
45175 Ten Mile
Novi, Michigan 48375

EXHIBIT B



SOUTHWEST CORNER
SEC 31, T.1N., R.8E.
CITY OF NOVI

PERMANENT UTILITY EASEMENT
 ① 1,025 FEET
 ② 10 FEET

#51000 8 MILE ROAD
PARCEL TAX ID
22-31-300-002

8 MILE ROAD (WIDTH VARIES)

#50500 8 MILE ROAD
PARCEL TAX ID
22-31-300-003

UTILITY EASEMENT
AREA - 10,250 SF

SOUTH 1/4 CORNER
SEC 31, T.1N., R.8E.
CITY OF NOVI

N 89°44'07" W
116.25'

N-S 1/4 LINE

#50250 8 MILE ROAD
PARCEL TAX ID
22-31-400-001

Plotted: Jul 5, 2017, 7:54 AM by user: 917 - Saved: 6/30/2017 by user: 917
 J:\NV\Design\NV16003-8 Mile Rd Pathway Corfield to Napier\DWG\NV16003EAS.dwg



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JOB No. NV16-003	SHEET: 1 OF 2
SECTION 31 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

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UTILITY EASEMENT LEGAL DESCRIPTION

AN EASEMENT FOR UTILITIES DESCRIBED AS:

THE WESTERLY 1,025 FEET OF THE NORTHERLY 10 FEET OF THE SOUTHERLY 43 FEET OF THE PARCEL DESCRIBED IN SEAVER TITLE AGENCY FILE No. 63-17537552-SSP, DATED JUNE 6, 2017 DESCRIBED AS: THE EAST 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 AND ALSO THE WEST 7 ACRES OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31, NORTH 89 DEGREES 58 MINUTES 41 SECONDS EAST, 1,348.55 FEET ALONG THE SOUTH SECTION LINE TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 46 SECONDS EAST, 2613.48 FEET TO THE EAST AND WEST 1/4 LINE; THENCE ALONG SAID LINE NORTH 89 DEGREES 35 MINUTES 04 SECONDS EAST, 1,332.09 FEET TO THE CENTER OF SAID SECTION; THENCE NORTH 89 DEGREES 26 MINUTES 04 SECONDS EAST, 116.25 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 54 SECONDS EAST, 2,624.31 FEET TO THE SOUTH LINE OF SAID SECTION 31; THENCE NORTH 89 DEGREES 44 MINUTES 07 SECONDS WEST, 116.25 FEET TO THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 58 MINUTES 41 SECONDS WEST, 1,344.55 FEET TO THE POINT OF BEGINNING, ALSO KNOWN AS 50500 8 MILE ROAD, TAX ID No. 22-31-300-003

DESCRIBED ON THE TAX ROLLS AS:

THE EAST 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 AND ALSO THE WEST 7 ACRES OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

Plotted: Jul 5, 2017, 7:55 AM by user: 917 -- Saved: 6/30/2017 by user: 917
J:\NV\Design\NV16003-B Mile Rd Pathway Garfield to Nopier\DWG\NV16003EAS.dwg

 **SPALDING DEDECKER**
Engineers | Surveyors
905 South Blvd. East Phone: (248) 844-5400
Rochester Hills, MI 48307 Fax: (248) 844-5404
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DRAWN: B. ALLEN	DATE: 06-30-17
CHECKED: T. LINDOW	DATE: 06-30-17
MANAGER: D. RICHMOND	SCALE: NO SCALE
JOB No. NV16-003	SHEET: 2 OF 2
SECTION 31 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	

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